

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13355 of 2023

Arising Out of PS. Case No.-881 Year-2022 Thana- LAKHISARAI District- Lakhisarai

1. MANTU SAO Son of Late Doman Sao Resident of Village- Mankatha, P.S.- Lakhisarai (Amahra), District- Lakhisarai
2. MAMTA DEVI Wife of Mantu Sao Resident of Village- Mankatha, P.S.- Lakhisarai (Amahra), District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-05-2023 Heard the parties.

The petitioners are apprehending their arrest in connection with Lakhisarai (Amahra) P.S. Case No. 881 of 2022 for the offence under Sections 363, 366(A) and 34 of the I.P.C. and Sections 8/10 of the POCSO Act lodged on 02.11.2022 by the informant Rajiv Kumar.

The prosecution story, in brief, is that on 01.11.2022, the informant's daughter namely Dristy Kumari (victim) aged about 16 years was missing from her home. On search, the informant alleged that he became aware that one Karan Kumar (son of the petitioners) enticed away his daughter. He further alleged that both the petitioners are involved in the incident and



when the informant approached the petitioners, they abused and threatened him.

The allegation is against Karan Kumar(son of the petitioners) that he took away the minor daughter of the informant.

Learned APP opposes the prayer but concedes that they are parents.

Considering the aforesaid fact that both the petitioners are mother and father of Karan Kumar, do not have criminal antecedent, F.I.R. lodged, ultimately, will have to face the trial, this Court is inclined to extend them the privilege of anticipatory bail.

Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned VI Additional District and Sessions Judge-cum-Special Judge, POCSO Court, Lakhisarai, District-Lakhisarai, in connection with Lakhisarai (Amahra) P.S. Case No. 881 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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